IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 13TH AUGUST 2007 / 22ND SRAVANA 1929

WP(C).No. 24459 of 2007(J)

PETITIONER:

BALAKRISHNAN, S/O MADHAVAN
AGED 42 YEARS
VELLAPARMBIL HOUSE, PULAKATTUKARA
NENMANIKARA P.O., THRISSUR

BY ADV. SRI.SHOBY K.FRANCIS
SRI.JIPSON ANTONY

RESPONDENTS:
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1. ASST. REGISTRAR CO-OPERATIVE SOCIETIES (GENERAL)
THRISSUR - 3

2. THE THRISSUR URBAN CO-OPERATIVE BANK
HEAD OFFICE, MISSION QUARTERS, THRISSUR - 1
REP. BY THE GENERAL MANAGER

3. SPECIAL SALE OFFICER
THRISSUR URBAN CO-OPERATIVE BANK
OFFICE OF ASST. REGISTRAR CO-OPERATIVE
SOCIETIES (GENERAL) THRISSUR

4. VILLAGE OFFICER, NENMANIKARA, THRISSUR DISTRICT

BY ADV.SRI.C.D.DILEEP, SC. FOR R1, R2
GOVT. PLEADER SMT.ANU SIVARAMAN FOR R3, R4

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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W.P.(C).No. 24459 OF 2007

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Dated this the 13th day of August, 2007

JUDGMENT

Complaint of the petitioner is lodged against Ext.P7. Petitioner seeks a direction to consider Ext.P6 and also a direction to the second respondent not to proceed against the petitioner and his Ext.P1 property under Securitisation Act till the final decision and the communication of order pursuant to Ext.P6. Petitioner seeks a further direction to the second respondent to serve notice under section 13(4) of Securitisation Act before taking the possession of Ext.P1 property and declare that petitioner and his share in Ext.P1 property are not liable to be proceeded with under the proceeding initiated by the respondent pursuant to Ext.P2 to P5 and P7.

Case of the petitioner in brief is as follows:

Petitioner is the owner of 30 cents of land as per Ext.P1 sale deed along with his wife. Petitioner's wife stood as a surety to a loan availed by one Ajith Kumar from the second respondent

mortgaging Ext.P1 property. There is an award passed as Ext.P2 in which petitioner is not a party. Petitioner's wife filed a revision and Ext.P3 is the order passed by the Co-operative Tribunal. Petitioner is not a party in Ext.P3 also. Petitioner's wife paid some amount. Ext.P4 notice was issued. Therein also petitioner is not a party. Sale proclamation was issued as Ext.P5. Thereupon petitioner submitted Ext.P6. It is not so far disposed of, it is stated. It is thereafter that Ext.P7 is issued under section 13 (2) of the Securitisation Act 2002. Petitioner has preferred Ext.P8.

2. I heard learned counsel for the Bank also. Learned counsel for the petitioner submits that petitioner will submit a representation to Ext.P7 within two days from today.

In such circumstances, the writ petition is disposed of directing the second respondent-Bank to consider any objection that the petitioner may file within two days from today and take a decision in the matter in accordance with law.

(K.M.JOSEPH, JUDGE)

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